

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of)
VIKTOR BROST et al.) HEADER-LESS VEHICLE RADIATOR *1AT2*
Serial No.: 09/837,072) Group Art Unit: 3743 *410*
Filed: April 18, 2001) Examiner: Tho V. Duong *1Y02*
)

APPELLANTS' BRIEF ON APPEAL (AMENDED)

Mail Stop Appeal Briefs-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REAL PARTY IN INTEREST

The real party in interest is Modine Manufacturing Company, the owner by virtue of
an assignment recorded at reel 012222, frame 0527, of the entire right, title, and interest
in and to the above application.

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed
to: Mail Stop Appeal Briefs-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 13, 2005.

Signature: Karen Sanderson

Name: Karen Sanderson

U.S. Patent and Trademark Office

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substantially from the central portion (48) is to give the plate pair (20) a saucer shape and NOT a generally rectangular shape as recited in the claims.

Furthermore, the side flanges (50,52) cannot be ignored in considering the shape of the plate pairs (20) in Jamison et al. because they are essential to the basic operation of the structure disclosed in Jamison et al. Specifically, the flanges (50,52) are required to seal the plate pairs (20) to the collection tank (68). The sides (70,72) of the collection tank (68) are inserted into slots (84) in the flanges (50,52) and therefore, both the slots (84) and the flanges (50,52) are required by the structure disclosed in Jamison et al.

For this additional reason alone, the rejection of claims 1, 2 and 11 is improper.

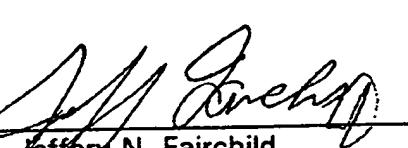
CONCLUSION

In view of the foregoing, Applicants respectfully request withdrawal of the rejections of claims 1, 2, and 11 and allowance of the case.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By _____


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April 13, 2005

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Before the Board of Patent Appeals and Interferences

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:) HEADER-LESS VEHICLE RADIATOR
VIKTOR BROST et al.) Examiner: Tho V. Duong
Ser. No.: 09/837,072) Group Art Unit: 3743
Filed: April 18, 2001)

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed are the following:

1. Appellant's Brief on Appeal in Triplicate;
2. \$320.00 Appeal Brief Fee; and
3. Return Post Card

It is respectfully requested that the above papers be filed in the above-identified application. Should additional fees be required, please charge our deposit account **No. 23-**

0785.

Respectfully submitted,

Jeffery M. Fairchild
Reg. No. 37,825

WOOD, PHILLIPS, KATZ,
CLARK AND MORTIMER
500 W. Madison Street, Suite 3800
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February 27, 2003

37 CFR 1.8

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I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on February 27, 2003.

Bertha Jackson

<p>37 CFR 1.8 CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on February 27, 2003. Bertha Jackson</p>
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